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In re Application of
MATSUSHITA, et al.
Application No. 10/582,188
Filed: June 8, 2006
Attorney Docket No. **15115/231001**

: **OFFICE OF PETITIONS**
: **DECISION DISMISSING PETITION**
: **UNDER 37 CFR 1.313(c)(2)**
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 10, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Petitioner's attention is directed to 37 CFR 1.313(d), which states:

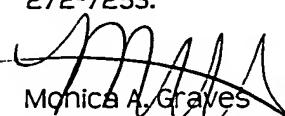
A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

Unfortunately, the petition was not received by the appropriate official for a decision until after March 11, 2008, the date upon which the above-identified application issued as U.S. Patent No. 7,342,663. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

The inconvenience caused petitioner in this matter is sincerely regretted. However, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions to allow sufficient time to process the petition. (*See Revised Procedures for Papers Requiring Immediate Attention (Hand-Carried and Facsimile Transmissions)*, 1279 Off. Gaz. Pat. Office 149 (Feb. 24, 2004); *Revised Procedures for Papers Requiring Immediate Attention*, 1280 Off. Gaz. Pat. Office 917 (March 23, 2004).

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of the instant application into a patent. The RCE and the information disclosure statement (IDS) will remain in the file of the above-identified application without further consideration. *See* 37 CFR 1.197(1). The \$810 RCE filing fee paid on March 10, 2008 is being credited to counsel's credit card.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-7253.


Monica A. Graves
Petitions Examiner
Office of Petitions